

State of South Carolina

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Workers' Compensation Commission

Memorandum

To: Interested Parties

From: Gary R. Thibault
Executive Director

Date: February 1, 2007

Subject: Appointment of Deputy Commissioner

Pursuant to Section 42-17-40, the South Carolina Workers' Compensation Commission has appointed a Deputy Commissioner. By a unanimous vote at its January 22, 2007 Business Meeting, the Full Commission appointed former Commissioner Virginia L. Crocker to serve on a temporary basis as Deputy Commissioner for the purpose of assisting with the management of the caseload through mediation services as well as the taking of testimony as assigned by the Jurisdictional Commissioner.

Under the statute, a Deputy Commissioner may swear witnesses and transmit all testimony to a Jurisdictional Commissioner for determination and award. Each Commissioner will decide which cases to assign to the Deputy. Those cases which have been assigned to the Deputy Commissioner will be set pursuant to the current applicable rules and regulations of the Commission.

The parties will have the option of mediation or hearing. They must advise the Commission within ten days of the notice of hearing as to which option is preferred. If no preference is elected, the hearing will be held as scheduled before the Deputy Commissioner.

The filing of a pre-hearing brief is not required prior to mediation. Only information you wish to share with the mediator is necessary. In most cases, the Commission file along with the medical reports of the parties is sufficient.

Memorandum
February 1, 2007
Page Two

Additional information may be presented at the mediation. Should mediation not resolve the issues, the case will be scheduled for a hearing.

Additionally, the parties may request mediation in cases they feel would benefit from the service. In many cases, mediation prior to the single commissioner hearing can resolve the pending issues. Mediation can also be an effective tool in narrowing the issues before the single commissioner which will shorten the time required for the hearing on the record.

Should the parties choose to go forward with a hearing, the Deputy Commissioner will swear the witnesses and transmit the testimony to the Jurisdictional Commissioner who will issue the decision and order. A transcript of all hearings before the Deputy Commissioner will be prepared and submitted to the Jurisdictional Commissioner for review.

Ms. Crocker may be reached at the South Carolina Workers' Compensation Commission at 803.737.5714 and via email at vcrocker@wcc.sc.gov.

GRT:c